

Notice of Allowability	Application No.	Applicant(s)	
	09/868,827	MAESS ET AL.	
	Examiner	Art Unit	
	Mark R. Milia	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/10/05.
2. ☒ The allowed claim(s) is/are 17-42 to be renumbered as 1-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6-20-05</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|--|---|


EDWARD COLES
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 2600

DETAILED ACTION

Response to Amendment

1. Applicant's amendment was received on 6/10/05, and has been entered and made of record. Currently, claims 17-42 are pending.

Oath/Declaration

2. A signed Declaration has been received and made of record.

Response to Arguments

3. Applicant's arguments, see pages 10-13, filed 6/10/05, with respect to the rejection of claims 17-20, 22-23, and 24-42 under 35 U.S.C. 102(b) and 103(a) have been fully considered and are persuasive. The rejection of claims 17-20, 22-23, and 24-42 has been withdrawn.

Examiner's Amendment

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

Art Unit: 2622

by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melvin Robinson on 9/2/05.

The application has been amended as follows:

Regarding claim 17, which is to be renumbered as claim 1, in the last limitation, the term "optical" is to be placed before the first instance of the phrase "character generator", so that the first two lines of the limitation reads: "determining in a balancing event the corrected illumination energy to be omitted by the optical character generator respectively for each of said at least three different light encoding".

Regarding claim 22, which is to be renumbered as claim 6, in the third limitation, the term "predetermined" is to be replaced with the term "photoconductor", so that the limitation reads: "determining said corrected illumination energy from the discharge characteristic for the photoconductor potential".

Regarding claim 34, which is to be renumbered as claim 18, the term "the" appearing before the term "illumination" is to be replaced with the term "an", the term "energy" should be placed between the term "illumination" and "characteristic", and the term "development" should be replaced with "discharge", so that the limitation reads: "considering only a section of at least one of an illumination energy characteristic and the discharge characteristic".

Regarding claim 42, which is to be renumbered as claim 26, in the third limitation, the phrase "at least one" is to be placed before the phrase "light source", so that the

limitation reads: "a drive unit for driving the at least one light source dependent on the light encoding data". Also, in the last limitation, the phrase "at least one" is to be placed before the phrase "light source", so that the limitation reads: "a drive unit for driving the at least one light source dependent on the corrected illumination energies".

Allowable Subject Matter

5. Claims 17-42 are allowed.
6. The following is an examiner's statement of reasons for allowance:

Regarding claims 1 and 42, in the Examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to provide a correction factor for at least three different light encoding values utilizing a balancing event in an electrophotographic printer in order to provide a high-quality printed image, even if printing conditions are modified, in combination with the other limitations presented in claims 1 and 42.

The closest prior art, previously noted as Suzuki (U.S. Patent No. 4855766), discloses a system that is capable of controlling image recording conditions in response to image contrast and sensitivity characteristics of a recording member. The system detects the surface condition of the recording member and in response controls the light illumination value to obtain an optimum value and provide constantly clear images. Suzuki fails to disclose providing a correction factor for at least three different light encoding values utilizing a balancing event.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
Examiner
Art Unit 2622


EDWARD COLES
SUPERVISORY PATENT EXAMINER
EBC CENTER 2600

Application/Control Number: 09/868,827
Art Unit: 2622

Page 6

MRM